

BOARD OF SELECTMEN

Minutes of the Meeting of 17 May 2006 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Glowacki, Michael Kopko and Whiting Willauer. Chairman Willauer called the meeting to order at 7:00 PM.

Announcements. Chairman Willauer announced the start of the Nantucket Regional Transit Authority 2006 Shuttle Season on May 20th and the need for all committee applicants for various appointed committees to be present at the Board's May 24, 2006 meeting.

Public Comment. Steamship Authority Representative Flint Ranney shared information about the Steamship Authority's position statement in opposition to Senate Bill No. 2459 and requested a letter be sent from the Board of Selectmen in opposition as well. Mr. Bennett moved that the Board authorize such a letter to be sent to legislators. Mr. Chadwick seconded. Discussion followed on the standing procedure regarding taking matters presented at public comment under advisement. On the motion, Mr. Bennett, Mr. Chadwick and Mr. Kopko voted in favor. Mr. Glowacki voted in opposition.

Union Street resident Beth Brooks shared concerns about the NRTA buses "surrounding her property."

Legislative Liaison Timothy Madden advised the Board of a request from Senator O'Leary for specific language needed by the Senate regarding expanding pending legislation about a housing bank, which was endorsed by the Board of Selectmen on April 19, 2006. Chairman Willauer read the motion: Voted that, exercising the authority granted by the April 3, 2006 vote of the Nantucket Town Meeting under Article 69 of the warrant, approving a home rule petition to the General Court for a "Community Housing Bank," the Selectmen hereby approve the following language as constructive changes perfecting the language of that proposed legislation in order to secure passage Establishing the Martha's Vineyard and Nantucket Housing Banks. Mr. Bennett further moved to approve the specific language as provided by Mr. Madden. Mr. Chadwick seconded. So voted unanimously.

Approval of Minutes of 3 May 2006 at 7:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 14 May 2006. The Board approved the payroll warrant by unanimous consent.

Approval of Pending Contracts for Week Ending 17 May 2006. The Board approved the pending contracts by unanimous consent.

Public Hearings

1. Public Hearing to Consider Verizon Petition No. 06-006 for Joint or Identical Pole Locations on Washington Street. Chairman Willauer opened the public hearing. Ken Horne, representing Verizon, provided background information about the proposed pole relocation to remove a potentially hazardous condition. Attorney Rick Beaudette, representing an art and antique business, spoke in opposition to placing the pole within his client's view. Contractor Bob Cranston spoke in support of the relocation. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the pole relocation/placement as described in Verizon Petition No. 06-006 for Joint or Identical Pole Locations on Washington Street. Mr. Bennett seconded. So voted unanimously.

2. Public Hearing to Consider National Grid Petition to Install Primary Line Cable and Conduit Along and Across South Shore Road. Chairman Willauer opened the public hearing. Nelson Antunes of National

Grid spoke in favor, sharing information about the provision of a new service without a "road cut." DPW Director Jeff Willett indicated support of the request and asked that the electric company contact the DPW before work begins to avoid disturbing any other underground conduits and utilities. No one spoke in opposition. Chairman Willauer closed the public hearing. Mr. Chadwick moved to approve the installation of a primary line cable and conduit at South Shore Road. Mr. Kopko seconded. Mr. Glowacki added a friendly amendment that the work proceed in coordination with the DPW Director and that the road not be cut. So voted unanimously.

3. Public Hearing to Consider Increase of Construction and Demolition Tonnage Fee by \$45/Ton (\$281/ton to \$326/ton). Chairman Willauer opened the public hearing. Finance Director Connie Voges provided a summary of events to date leading to this consideration for the fee increase. Discussion followed. Patty Santos of Santos Rubbish spoke regarding the proposed increase. Town Administrator Libby Gibson clarified that as of July 1, 2006, processing of C & D materials may no longer occur at the landfill. No one spoke in opposition. Chairman Willauer closed the public hearing. Mr. Kopko moved to raise the rate by \$45/ton. Mr. Chadwick seconded. Discussion followed on considering also that 15% of the waste stream is exempt from the fee yet the Town still pays Waste Options to process this material. On the motion, the Board voted unanimously in favor of the increase. Mr. Bennett moved to address the 15% matter at a public hearing on June 7, 2006 along with consideration of increasing the fees for "hard to handle" items. Mr. Chadwick seconded. The motion carried with Mr. Bennett, Mr. Chadwick, Mr. Kopko and Chairman Willauer voting in favor. Mr. Glowacki voted in opposition.

4. Public Hearing to Hear Appeal of Janet Murphy, Trustee of Fish Lane Realty Trust, With Regard to Historic District Commission Certificate of Appropriateness Nos. 47040 and 47041 for Premises Situated at 3 Spring Street, Nantucket, Massachusetts. Chairman Willauer opened the public hearing. Edward Murphy, the appellant, spoke in favor. HDC Administrator Mark Voigt noted the process followed and that no revisions were forthcoming by the 60-day deadline. On the inquiry from Mr. Chadwick, Mr. Murphy and Mr. Voigt spoke to a prior appeal for the 5 Spring Street property. Mr. Murphy noted his specific complaint that the HDC denial of "specific architectural features" was not in writing. HDC Chairman Dirk Roggeveen spoke to Mr. Murphy's complaint and clarified that due to absence, Mr. Murphy had "abandoned the application." Chairman Willauer closed the public hearing. Mr. Chadwick moved to deny the appeal of Janet Murphy Trustee of Fish Lane Realty Trust, With Regard to Historic District Commission Certificate of Appropriateness Nos. 47040 and 47041 for Premises Situated at 3 Spring Street. Mr. Kopko seconded. So voted with Mr. Chadwick, Mr. Glowacki, Mr. Kopko and Chairman Willauer voting in favor. Mr. Bennett voted in opposition.

5. Public Hearing to Hear Appeal of Kent J. Murphy, Trustee of 3 Capaum Pond Road, With Regard to Historic District Commission Certificate of Appropriateness Nos. 47718, 47719 and 47720 for Premises Situated at 3 Capaum Pond Road, Nantucket, Massachusetts. Chairman Willauer opened the public hearing. Attorney Arthur Reade, speaking for his client Kent Murphy in favor of the appeal, provided background information and noted the "prevalence of white trim in the neighborhood" and suggested the denial of the change to white trim was "arbitrary and capricious." Mr. Reade asked to share photos with the Board, but Chairman Willauer denied the request as Mr. Reade indicated the photos had not previously been presented to the HDC. Mr. Voigt stated that this was not an arbitrary and capricious decision, noting the requirement of HDC requests for specifics in design and in this case, the consideration of all the architectural elements together and the objective to make the "buildings blend." Mr. Reade objected to Mr. Voigt's reference to Building with Nantucket in Mind. Mr. Murphy spoke to the location of the structure and

both the uniqueness of his case and the widespread use of white paint in the area. Mr. Roggeveen clarified that the use of the reference was not "new information" and spoke to the charge of being arbitrary and capricious, reviewing the process followed beginning with the initial non-white designation made by the applicant. Chairman Willauer closed the public hearing. Mr. Bennett moved to grant the appeal. There was no second. Mr. Chadwick moved to deny the appeal. Mr. Kopko seconded. Discussion followed on the clear jurisdiction of the HDC regarding acceptance of paint colors. So voted with Mr. Chadwick, Mr. Glowacki, Mr. Kopko and Chairman Willauer voting in favor. Mr. Bennett voted in opposition.

Town Administrator's Report

Request for Execution of Purchase & Sale Documents for the Sale of Two Town-Owned Parcels of Land in Accordance with Article 86 of 2004 Annual Town Meeting. Ms. Gibson gave background information. Mr. Glowacki moved to execute the P & S agreements for the sale of Town-owned parcels at 4 New Hampshire Avenue and 5 Maine Avenue. Mr. Chadwick seconded. So voted unanimously.

Ms. Gibson advised the Board of upcoming Selectmen meeting topics.

Selectmen's Report/Comment

1. Action on Written Decision Pursuant to April 12, 2006 Vote on A-1 Taxi Matters. Mr. Kopko recused himself and left the room. Mr. Bennett shared comments about the number of taxi cabs and his understanding of the wording of the prepared written decision. Discussion followed. Mr. Glowacki moved to issue the first decision as it was presented to deny transfer of the license to own and operate four taxicabs from John Grangrade to Lisa Fisher. Mr. Chadwick seconded. So voted with Mr. Chadwick, Mr. Glowacki, and Chairman Willauer voting in favor of the motion. Mr. Bennett voted against the motion. Mr. Glowacki moved to issue the decision as it was presented to deny the Police Chief's recommendation to revoke the license to own and operate four taxicabs in the name of John Grangrade. Mr. Chadwick seconded. So voted unanimously. Mr. Kopko rejoined the Board.

2. Appointment of Selectmen to Audit Committee.

Mr. Bennett moved to designate an audit committee as per a provision of the Town Charter. Chairman Willauer seconded. So voted unanimously. Mr. Bennett moved to nominate Mr. Glowacki to serve as the Board representative to the committee. Mr. Chadwick seconded. So voted unanimously.

At 8:50 PM, Chairman Willauer polled the Board and Mr. Bennett, Mr. Chadwick, Mr. Glowacki, Mr. Kopko and Chairman Willauer voted unanimously to adjourn to executive session, not to return to open session, for the purpose of reviewing real estate matters.

Approved the 24th day of May 2006.